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STATE HOUSE ANNEX

25 CAPITOL STREET

CONCORD, NEW HAMPSHIRE 03301-6397

July 12, 1983

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Mr. George Langley, Jr., Chairman
New Hampshire Sweepstakes Commission
Lancaster Road
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Mr. John A. Marro, Commissioner
New Hampshire Sweepstakes Commission
26 West Elm Street
Littleton, New Hampshire 02561

Mr. Robert Denz, Executive Director
New Hampshire Sweepstakes Commission
Fort Eddy Road
Concord, New Hampshire 03301

Gentlemen:

You have requested our opinion on the following questions:

- (1) Does RSA 287-E permit a public drawing to be held at a bingo game where the drawing has been sanctioned by the local government, and where no tickets are sold on the premises of the bingo game?
- (2) Does RSA 287-E permit the awarding of door prizes at bingo games and if so, is the value of the door prize included in the \$1,500 limitation on prizes imposed by RSA 287-E:7,XI?

For the reasons set forth below, our response is that public drawings may not be held at bingo games and that door prizes may be awarded only under certain conditions.



RSA 287-E:7,X prohibits the conducting of raffles or any other games of chance at the same time and place as licensed bingo games. A "raffle" is defined as "a lottery in which each participant buys a ticket for an article or articles put up as a prize with the winner being determined by a random drawing." RSA 287-A:1. There are thus two elements necessary for a raffle: the purchase of a ticket and the random drawing. As the public drawing contemplated is in essence the second element of a raffle, that is, the tickets have been purchased at a time prior to the bingo game, it is our opinion that such a drawing is not permissible under RSA 287-E.

Your second question addresses the practice of awarding door prizes at bingo games. If door prizes are awarded as the result of a raffle: that is, there is both a purchase of tickets and a random drawing involved, then such a practice is not permissible under RSA 287-E. If there is no purchase of tickets, however, and eligibility for the drawing is not dependent upon the expenditure of any money, then it is our opinion that RSA 287-E does not prohibit the awarding of such door prizes.¹ If offered, however, door prizes must be included in calculating the total value of the "prizes, tokens, or awards used, given, offered or awarded in connection with any game or series of games" held on that day by the licensee. RSA 287-E:7,XI.

I trust this is responsive to your inquiry. Please let me know if you have any additional questions.

Very truly yours,

Loretta S. Platt

Loretta S. Platt
Assistant Attorney General
Division of Legal Counsel

LSP/gla

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¹ The Sweepstakes Commission may, of course, determine that door prizes should not be offered during bingo games and promulgate rules prohibiting such a practice.